



# New Jersey School Boards Association

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## FREQUENTLY ASKED QUESTIONS ABOUT THE NEW JERSEY SCHOOL ETHICS ACT

*Since its enactment in 1991, the New Jersey School Ethics Act has had a profound impact on the operations of the state's public schools. The law establishes ethical standards for school officials, including local board of education members and charter school trustees. The following list of questions-and-answers provides information about the School Ethics Act and the New Jersey School Ethics Commission, the gubernatorial-appointed body that interprets and enforces the Act.*

### 1. What is the New Jersey School Ethics Commission?

The New Jersey School Ethics Commission (NJSEC) is a nine-member body with the power to issue advisory opinions, receive complaints, receive and retain disclosure statements, conduct investigations, hold hearings, and compel the attendance of witnesses and the production of documents as it may deem necessary to enforce the School Ethics Act. (N.J.S.A. 18A:12-21 *et seq.*)

It is composed of two school board members, two school administrators and five public members. No more than five of the nine members shall be from the same political party. [School Ethics Commission members](#) are appointed to three-year terms by, and serve at the pleasure of, the Governor. The Commission is established in the New Jersey Department of Education.

The Commission holds its [meetings](#) on the fourth Tuesday of each month, except for the December meeting. Commission meetings are held at the Department of Education, 1<sup>st</sup> Floor Conference Room, 100 Riverview Plaza, Trenton, NJ.

### 2. What is the School Ethics Act?

The [School Ethics Act](#) (N.J.S.A. 12:21 *et seq.*) is intended to ensure that the conduct of school officials holds the respect and confidence of the people. The Act defines "[school officials](#)" as school board members, school administrators, charter school trustees, charter school administrators, and New Jersey School Boards Association officers and professional staff. (N.J.S.A. 18A:12-23 and 23.1) Through the Act, the Legislature declared that school officials must avoid conduct which is in violation of their public trust or which creates a justifiable impression that the public trust is being violated. The Act sets forth standards for the following:

- [Conflict of Interest for School Officials](#) (N.J.S.A. 18A:12-24(a) through (k)), which applies to school board members, school administrators, charter school trustees, and charter school administrators;
- [Code of Ethics for School Board Members](#) (N.J.S.A. 18A:12-24.1(a) through (j)), which applies only to school board members *and* charter school trustees, and not to administrators;

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- [Annual disclosure of employment and financial interests](#)—Personal/Relative Disclosure Statements of School Officials (*N.J.S.A.* 18A:12-25) and Financial Disclosure Statements of School Officials (*N.J.S.A.* 18A:12-26), and
- School board member training requirements ([N.J.S.A. 18A:12-33](#)).

In furtherance of the standards, the NJSEC may take the following action:

- Review complaints alleging violations of the School Ethics Act (see [Filing and Answering a Complaint before the School Ethics Commission](#)) and issue a final decision. The commission may dismiss the complaint, or it may adjudicate that the Act was violated and recommend a sanction against the offending school official to the Commissioner of Education.
- Issue [advisory opinions](#).
- Enforce the requirement that all school board members and charter school trustees file [personal/relative and financial disclosure statements](#).
- Enforce the [training requirements](#) for school board members and charter school trustees.

### 3. What is an advisory opinion?

A school official may request an advisory opinion about his or her prospective conduct, or that of another school official. (See [advisory opinions](#).) An advisory opinion is just that: *advisory*. If approved for publication by the NJSEC, the advisory opinion may be relied upon by the requesting school official and other school board members, administrators and charter school trustees in conducting themselves in office. ([N.J.A.C. 6A:28-5.1, 5.2](#)) However, unlike a final decision of the NJSEC, an advisory opinion cannot be appealed, according to a 1996 opinion of the Appellate Division of Superior Court.

Advisory opinions may be made public only upon the direction of at least six members of the NJSEC. If an advisory opinion is made public, all references to school board members' and charter school trustees' names and/or boards of education and charter schools are removed.

### 4. What conduct is prohibited by the School Ethics Act?

The School Ethics Act establishes [standards of conduct](#) (*N.J.S.A.*18A:12-24), which serve as guidelines for the activities of school officials, including board members and charter school trustees. The standards are summarized below.

- a. School officials or their immediate family members cannot have an interest in any business, or engage in any business, transaction or professional activity that is in substantial conflict with the school officials' duties.
- b. School officials cannot use or attempt to use their positions to obtain unwarranted privileges, advantages or employment for themselves or anyone else.
- c. School officials must excuse themselves from any matter in which their objectivity might reasonably be expected to be impaired because of the financial involvement of themselves, an immediate family member, or a business in which they have an interest. School officials must also excuse themselves from any matter where they have personal involvement that creates a benefit to the school official or an immediate family member.

- d. No school official shall engage in any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of official duties.
- e. No school official may solicit or accept anything of value if given or offered for the purpose of influencing his or her official actions. This provision also applies to the official's immediate family members and to business organizations in which he or she has an interest. School board members, however, may solicit and accept campaign contributions if they reasonably believe the contributions are not given to influence their official actions.
- f. A school official cannot use or allow the use of his or her public office or any confidential information for personal financial gain or for the financial gain of either an immediate family member or a business with which he or she is associated.
- g. A school official (or business organization in which he or she has an interest) cannot represent anyone other than the board in any matter pending before the board or involving the board. Labor union representational responsibilities are permitted.
- h. No school official shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group.
- i. An elected board member can request information for a constituent as long as there is no remuneration attached to the board member or the board member's immediate family.
- j. School officials and immediate family members may represent themselves in any proceeding in the school district that involves their personal (family) interests. (For example, this provision would permit a board member, acting as a parent, to contest his or her child's academic grade or discipline.)

**5. Are there any requirements under the School Ethics Act that pertain specifically to school board members and charter school trustees?**

Yes, the School Ethics Act requires school board members and charter school trustees to abide by the following [Code of Ethics](#) (N.J.S.A. 18A:12-24.1), which was first established by the New Jersey School Boards Association in the 1970s:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
- c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
- d. I will carry out my responsibility, not to administer the schools but, together with my fellow board members, to see that they are well run.
- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide

- accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools.
- h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
  - i. I will support and protect school personnel in proper performance of their duties.
  - j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

## 6. What is the Personal/Relative Disclosure Statement?

The School Ethics Act requires board members to disclose the following:

- The name and position of any relative (spouse, child, parent, sibling) or person related to the board member by marriage who is employed by the school district in which the board member serves.
- The nature of any contract between the district and the board member or his or her relative or person related to the board member by marriage.
- The name of any business that has a contract with the school board and with which the board member or relative has one of the following relationships: (1) the board member or relative is employed by the business; (2) the board member or relative receives compensation from the business, or (3) the board member or relative has an interest in the business. (Interest in a business is defined as ownership or control of more than 10 percent of the profits, assets or stock.)

## 7. What is the Financial Disclosure Statement?

The School Ethics Act's financial disclosure provisions require the reporting of only *sources* of income above a certain amount, but not the actual dollar amounts. Board members must report the sources of income for themselves and the members of their immediate families (spouse, and dependent children living in their household). The financial disclosure statement must include—

- Sources of income exceeding \$2,000 for each family member during the prior calendar year. (Interest or securities income need not be reported unless the family member retains more than 10 percent of the ownership or control of the financial institution or business organization.)
- Sources of fees and honoraria earned by each family member during the prior calendar year, which totaled more than \$250 from a single source. (Fees and honoraria are payments for such services as personal appearances, speeches or writing.)
- Sources of gifts, reimbursements or prepaid expenses valued at more than \$250 from a single source that were received by each family member during the prior calendar year. (Gifts from relatives need not be reported. Relatives include spouse, children, parents or siblings of the board member.)
- Names and addresses of all business organizations in which the board member or a member of his or her immediate family had an interest during the prior calendar year. (Interest in a business is defined as ownership or control of more than 10 percent of the profits, assets or stock of the business.)

**8. When must the Disclosure Statements be filed?**

Each year by April 30 (or within 30 days after taking office), school officials, including board members and charter school trustees, must disclose sources of income and the employment or contractual relationship of relatives with the school district or school. The disclosure statements are public records, kept by the executive county superintendent and the local school board secretary. The NJSEC has access to the disclosure statements through the county office of education.

**9. What are the training requirements under the School Ethics Act?**

The School Ethics Act requires all school board members and charter school trustees to complete a training program conducted by the New Jersey School Boards Association on the skills and knowledge needed to serve as a board member. The School Ethics Act requires the training to be completed during the first year of the board member's first term in office and to include information regarding the New Jersey Quality Single Accountability Continuum (NJQSAC).

Additionally, the Act requires board members and charter trustees to attend (a) training on school governance in the second and third years of the first term in office and (b) an advanced training program on relevant changes to New Jersey school law within one year of each re-election or reappointment.

Board members and charter trustees must also complete a training program on harassment, intimidation and bullying in the schools within one year of initial election or appointment or, for board members in office when this requirement was established, within one year of reelection/reappointment. (A board member is required to complete this program only once.)

NJSBA provides all required training through its Board Member Academy. For details on [mandated training](#) and other programs, go to [www.njsba.org/training](http://www.njsba.org/training) or call NJSBA toll-free at 1-888-886-5722.

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*The New Jersey School Boards Association is a federation of 581 boards of education and includes 81 charter schools as associate members. NJSBA provides training, advocacy and support to advance public education and promote the achievement of all students through effective governance.*